

Hon. Marc Barreca  
Chapter 7  
Hearing Date: March 4, 2021  
Hearing Time: 9:30 a.m.  
Hearing Location: Telephonic  
Response Date: March 4, 2021

**UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON**

**In Re:**

**CASE NO. 14-17526-MLB**

**GARTH A. MACLEOD,**

**Chapter 7**

**Debtor,**

**ADVERSARY No. 18-01149-MLB**

**EDMOND J. WOOD, solely in his  
capacity as the chapter 7 trustee of the  
bankruptcy estate of GARTH A.  
MacLEOD,**

**PLAINTIFF'S MOTION FOR  
LEAVE TO FILE SUR-REPLY  
ON SHORTENED TIME AND  
LIMITING NOTICE**

**Plaintiff,**

**vs.**

**JONATHAN SMITH, P.S., a Washington  
professional services corporation d/b/a  
ADVANTAGE LEGAL GROUP, and  
JONATHAN SMITH, an individual,**

**Defendants.**

Defendants' original motion and reply rely on FRCP 26(a) which relates to the parties' initial disclosures in the District Court, and FRCP 37(a), which relates to orders compelling discovery; neither of which applies to the facts present here. Dkt. 46, pp.

**Plaintiff's Motion for Leave to File Sur-Reply on  
Shortened Time and Limiting Notice**  
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**WAID LAW OFFICE, PLLC**  
5400 CALIFORNIA AVENUE SW, SUITE D  
SEATTLE, WA 98136  
206.388.1926

1 18-20. Defendants' Reply also mischaracterizes the testimony of Messrs. Groshong and  
2 Wood as "experts"—which is categorically mistaken. Plaintiff thus asks leave to file the  
3 attached, short Sur-Reply to address the errors in Defendants' analysis.

4 The Court's Local Rule 9013-1(d)(6) allows the Court to grant leave for the  
5 filing of a sur-reply. Rule 9013-1(d)(3) allows the Court to shorten time and limit  
6 notice. On Tuesday, March 2, 2021 at 2:32 p.m. defendants filed their Reply in support  
7 of their Motion for Summary Judgment that is noted for hearing on Thursday, March 4,  
8 2021 at 9:30 a.m. Plaintiff thus submits this Motion and his attached Sur-Reply on the  
9 day following the filing of Defendants' Reply.  
10

11 **IV. CONCLUSION**

12 The Court should therefore grant Plaintiff's Motion for Leave to File a Sur-  
13 Reply on shortened time and without additional notice.  
14

15 Dated: March 3, 2021.

16 WAID LAW OFFICE, PLLC

17 BY: /s/ Brian J. Waid  
18 BRIAN J. WAID  
19 WSBA No. 26038  
20 Attorney for Plaintiff

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day March 2021, I caused a copy of the foregoing pleading to be delivered to all counsel of record via the Court's ECF delivery system.

Dated: March 3, 2021.

WAID LAW OFFICE, PLLC

BY: /s/ Brian J. Waid  
BRIAN J. WAID  
WSBA No. 26038  
Attorney for Plaintiff

Plaintiff's Motion for Leave to File Sur-Reply on  
Shortened Time and Limiting Notice  
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